



State of Idaho

DEPARTMENT OF HEALTH AND WELFARE

Division of Environmental Quality

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Governor

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Steve B

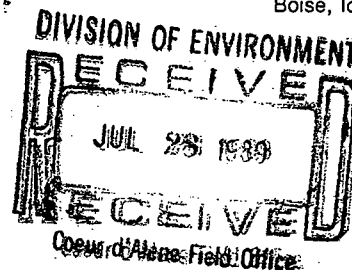
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450 W. State Street
Boise, Idaho 83720



July 25, 1989

Edwin Jacobson, President
CMC Real Estate Corporation
547 West Jackson Blvd., Suite 1510
Chicago, Illinois 60606

Re: Petroleum Contamination at Avery Landing, Idaho

Dear Mr. Jacobson:

This letter is in regard to the petroleum contamination incident at Avery Landing, Idaho where a diesel product is seeping into the St. Joe River from the embankment of the adjoining property. The St. Joe River has been designated as a special resource water which means it has any or all of the following characteristics: outstanding high quality, unique ecological significance, outstanding recreational or aesthetic value, or water quality for which protection is of paramount interest to the people of Idaho. In addition, local residents consider the river to be a prime trout-fishing location. It was a fisherman, in fact, who first notified the Division of Environmental Quality, Water Quality Bureau, of the contamination while fishing the river last summer.

In response to the complaint of contamination, the Bureau conducted a site visit on June 30, 1988. Records indicated that the site was once owned by the Chicago, Milwaukee, St. Paul and Pacific Railway Company, now CMC Real Estate Corporation. During the period of railway use, a roundhouse and storage yard were constructed at the site, and an above-ground diesel fuel tank was placed in a small gully northeast of the roundhouse. The 500,000 gallon tank was used for the storage of locomotive fuel.

An examination conducted of the north bank of the St. Joe River revealed patchy asphalt-like deposits along the riverbank for a



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distance of approximately 800 feet, beginning roughly adjacent to the former location of the storage tank. The material appeared to be the remains of diesel fuel which ran overland from the railroad's facilities toward the river. At four or five locations along the river's edge, petroleum product was observed seeping into the river. The seeps resulted in a film for approximately several yards downstream of the site.

Two test pits were dug by the Bureau's hydrogeologist down to groundwater, approximately 13 feet deep. A layer of petroleum product collected on the water surface in both pits. The thickness of the product appeared to be approximately one half inch. In addition, pipes were encountered while digging one of the pits which also contained petroleum product.

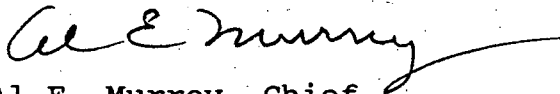
The Idaho Water Quality regulations require that waters of the state not contain deleterious materials in concentrations which impair designated or protected beneficial uses. IDAPA § 16.01.2200,02. The diesel fuel meets the definition of a deleterious material in that it is a substance which has caused the tainting of edible species of fish and has reduced the usability of the river without causing physical injury to water users. IDAPA § 16.01.2003,07. As previously mentioned, the St. Joe River is designated as a special resource water, and it is protected for all listed beneficial uses. IDAPA § 16.01.2110,01.ii. The regulations further require that deleterious materials not be stored in the immediate vicinity of state waters unless it can be ensured that the materials do not enter the waters. IDAPA § 16.01.2800. Should a spill occur, state regulations require that the material be contained and the site cleaned. IDAPA § 16.01.2850. At this time, a continuing spill is occurring due to the seepage of diesel fuel into the St. Joe River. Copies of the applicable regulations are enclosed for your information.

By this letter, the state of Idaho, Division of Environmental Quality, is requesting a clean up of the Avery site by CMC Real Estate Corporation. This request is based on the fact that past practices of the Railway Company, now CMC, are causing present contamination of a very important state resource. The state requires the seepage of diesel fuel into the river to be abated and the contamination in the ground and groundwater to

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be cleaned. Please advise me on or before Friday, August 4, 1989 what action CMC intends to take. Should you have any further questions regarding this matter, please feel free to contact either Paul Jehn at (208) 334-5845 or Ed Tulloch at (208) 667-3425.

Sincerely,



Al E. Murrey, Chief
Water Quality Bureau

AEM/pg

cc: Paul Jehn, Ground and Drinking Water Quality Manager
Ed Tulloch, Water Quality Field Supervisor
✓ Steve Breithaupt, Water Quality Compliance Officer
Susan A. Burke, Deputy Attorney General

Enclosure